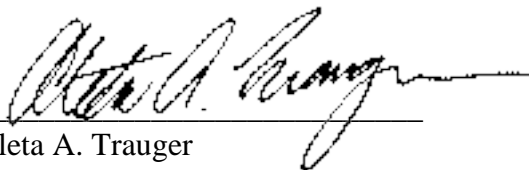


constitutional deprivation. Estelle v. Gamble, 97 S.Ct. 285 (1976). This is true with respect to negligence claims arising under both the Eighth and Fourteenth Amendments. Whitley v. Albers, 106 S.Ct. 1078, 1084 (1986)(Eighth Amendment); Daniels v. Williams, 106 S.Ct. 662, 666 (1986)(Fourteenth Amendment). Thus, even if the defendants were negligent in their operation of the van, this is simply not sufficient to state a claim for § 1983 relief.

The plaintiff also complains that he was refused medical treatment at the time of the incident. He was injured, however, in route and was told by Officer Ramsey that he could get medical attention when they returned to the Correctional Development Center shortly. There are no allegations suggesting that the plaintiff was denied medical care when he returned to the facility. As a consequence, the defendants were not deliberately indifferent to the plaintiff's need for medical care.

In the absence of a constitutional violation, the plaintiff is unable to prove every element of his cause of action. Therefore, the plaintiff has failed to state a claim upon which § 1983 relief can be granted. Under such circumstances, the Court is obliged to dismiss the instant action *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.


Aleta A. Trauger
United States District Judge